

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

DAVID M. BODRICK,

Index No.:

Plaintiff,

-against-

**VERIFIED COMPLAINT**

THE CITY OF NEW YORK,  
NEW YORK CITY POLICE DEPARTMENT and,  
POLICE OFFICER BALDWIN S. BLACK,

Defendants.

X

Plaintiff, DAVID M. BODRICK, by his attorney(s), THE LAW OFFICE OF RENÉ MYATT, ESQ., as and for his Verified Complaint, alleges as follows:

**PRELIMINARY STATEMENT**

1. This personal injury action is brought by Plaintiff **DAVID M. BODRICK** against defendants **THE CITY OF NEW YORK, NEW YORK POLICE DEPARTMENT** and, police officer **BALDWIN S. BLACK**. Defendants The City of New York and New York City Police Department are the employers of police officer Baldwin S. Black. Defendant BLACK's reckless driving caused the motor vehicle registered to the New York Police Department he was driving to crash into plaintiff's motor vehicle. Defendant BLACK sustained injuries including, but not limited to, C3/4 posterior subligamentous disc herniation that extends to abut the ventral margin of the cord. C4/5, C5/6, and C6/7 demonstrate posterior disc bulges that impress on the thecal sac. There are dorsal ligamentous impressions on the thecal sac at C5/6 and C6/7. Subligamentous posterior disc bulging at T1/2. In the Neutral/sitting position, The cervical curvature demonstrates a kyphotic angulation having the apex at C3/4. In the flexion position, the kyphotic angulation at C3/4

persist, however, the curvature inferior to C3/4 is more straightened than in the neutral/sitting position. In the extension position, the cervical curvature demonstrates a mild diffuse lordosis. Police officer Baldwin S. Black acted within the scope of his employment at the time of the accident. Plaintiff was in such severe pain he did not return to work for 30 days and began a course of physical therapy to return to his pre-injury status.

### **THE PARTIES**

2. Plaintiff **DAVID M. BODRICK** (hereinafter referred to as “**BODRICK**”) at the time of the accident on June 4, 2014 was a fifty one (51) year old natural person residing at 1255 5<sup>th</sup> Avenue, Apt. 3D, New York, NY County of New York. Plaintiff was the driver of a 2008 Cadillac SRX license plate number AB9 11P.
3. Defendant **THE CITY OF NEW YORK**, (hereinafter referred to as “**CITY**”) is the municipal agency duly organized and existing under and by virtue of the laws of the State of New York, whose responsibility is for the governmental affairs of the City of New York.
4. Defendant **THE NEW YORK CITY POLICE DEPARTMENT**, (hereinafter referred to as “**NYPD**”) is a public authority duly organized and existing under and by virtue of the laws of the State of New York.
5. Defendant **POLICE OFFICER BALDWIN S. BLACK** (hereinafter referred to as “**BLACK**”) at the time of the accident on June 4, 2014 was a natural person residing at 104 E. 107<sup>th</sup> Street, New York, NY, County of Kings, Said defendant is the driver of a 2006 Chevrolet motor vehicle bearing New York license plate number DTP

9571. Said defendant was in the scope of his employment with the City of New York and the New York City Police Department at the time of the accident.

### **JURISDICTION AND VENUE**

6. On or about July 7, 2014 Plaintiff(s) duly served a Notice of Claim on defendants via the Corporation Counsel, Attorney for defendants pursuant to the General Municipal Law § 50-e.
7. This Court has original personal jurisdiction over this matter, exclusive of interest and costs.
8. Venue is set in New York County where plaintiff resides and where the moto vehicle accident, the cause of this action, occurred.
9. Defendant **CITY**'s existence is by virtue of the laws of the State of New York and is thus subject to the jurisdiction of its law courts.
10. Defendant **NYPD**'s is a public authority existing under and by virtue of the laws of the State of New York and is thus subject to the jurisdiction of its courts.
11. Defendant **BLACK** is a natural person and an employee of defendant NYPD.

### **FACTS**

12. On Wednesday, June 4, 2013, a sunny day with good visibility, plaintiff **BRODRICK** was a properly restrained driver driving his 2008 Cadillac SRX north on Madison Avenue looking for a parking spot near his residence.
13. He stopped at a red light on Madison Avenue between E. 106<sup>th</sup> and E. 107<sup>th</sup> Street in the center lane with one car in front of him. During this time he noticed a car on his

left hand side coming out of a parking spot and planned to park in the spot as there was no car next to him blocking him from moving into position.

14. As soon as the light turned green the car in front of Plaintiff **BRODRICK** started to move. Before plaintiff could move or turn on his turning indicator to show he was moving into the spot the front end driver's side section of the Department of Transportation car, driven by police officer **BLACK** and owned by **NYPD**, rammed into the back of his car on the passenger side. The impact caused plaintiff **BRODRICK** to move forward within Plaintiff **BRODRICK**'s car and caused his car to move forward.
15. Plaintiff **BRODRICK** sought medical treatment due to pain he was experiencing in his neck, shoulder and, lower back.

**AS AND FOR A FIRST CAUSE OF ACTION (NEGLIGENCE and/or RECKLESSNESS)**

16. Plaintiff **BRODRICK** repeats and reiterates each and every allegation contained in the paragraphs marked "1" through "15."
17. The **CITY**, **NYPD** and police officer **BLACK**, are governmental authorities charged with the non-delegable duty to the citizens and residents of the City of New York to maintain law and order and to enforce the laws and regulations of the City and State of New York.
18. Defendant **CITY** neglected its administrative duty as the municipal authority charged with overseeing the day-to-day running of the City of New York by failing to ensure that its agency – the **NYPD** – adequately perform its statutory obligations of property training its agents to keeping the roadway safe for road users to safely travel.

19. Defendant **NYPD** neglected its statutory duty of adequately training its agents in keeping the roadway safe for road users to safely travel. Such a failure in the duty of reasonable care makes the defendants vicariously liable under the *doctrine of respondeat superior*.
20. As a law enforcement agent, police officer **BLACK** is not only charged with the duty of enforcing the law and apprehending law breakers, but he is also bound by the same laws and not exempt from compliance therewith.
21. While on duty on the date of the accident, police officer **BLACK** failed to comply with the law. He broke the traffic laws, the rules and regulations of the road. While apparently not on an emergency run at the time (no sirens, no emergency flashing lights) he crashed into Mr. **BRODRICK** causing him severe personal injuries and significant property damage.
22. Plaintiff did not contribute to the happening of the aforesaid occurrence which was due solely to the carelessness, recklessness and negligence of the defendants, their agent(s), servant(s) and/or employee(s).

**AS AND FOR A SECOND CAUSE OF ACTION (PERSONAL INJURY)**

23. Plaintiff Mr. Broderick repeats and reiterates each and every allegation contained in the paragraphs marked "1" through "22."
24. On impact by police officer **BLACK's NYPD** Department of Traffic car, plaintiff's body was pushed forward from a stationary position.
25. Mr. Brodrick sustained the following injuries: C3/4 posterior subligamentous disc herniation that extends to abut the ventral margin of the cord. C4/5, C5/6, and C6/7 demonstrate posterior disc bulges that impress on the thecal sac. There are dorsal

ligamentous impressions on the thecal sac at C5/6 and C6/7. Subligamentous posterior disc bulging at T1/2. In the Neutral/sitting position, The cervical curvature demonstrates a kyphotic angulation having the apex at C3/4. In the flexion position, the kyphotic angulation at C3/4 persist, however, the curvature inferior to C3/4 is more straightened than in the neutral/sitting position. In the extension position, the cervical curvature demonstrates a mild diffuse lordosis. Police officer Baldwin S. Black acted within the scope of his employment at the time of the accident. Plaintiff was in such severe pain he did not return to work for 30 days and began a course of physical therapy to return to his pre-injury status.

26. Due to the carelessness, negligence and recklessness of defendants in performing their duties, the **CITY, NYPD** and police officer **BLACK** are liable for plaintiff's personal injury, property damage and loss of wages.
27. And by reason of the carelessness, negligence and/or recklessness of defendants, plaintiff **BRODRICK** sustained significant injuries as defined in Section 5102 (d) of the Insurance Law of the State of New York and/or economic loss greater than basic economic loss as defined in Section 5102 (a) of the Insurance Law of the State of New York.
28. This action falls within one or more of the exceptions set forth in CPLR Section 1602.

**AS AND FOR A THIRD CAUSE OF ACTION (ECONOMIC LOSS)**

29. Plaintiff Mr. **BRODRICK** repeats and reiterates each and every allegation contained in the paragraphs marked "1" through "28."

30. Mr. **BRODRICK**'s cherished SUV, a 2008 Cadillac SRX, was damaged due to the hard impact of the collision including, but not limited to his passenger tail light and rear bumper.
31. Also, as result of the accident, plaintiff missed 30 days at work as a self-employed videographer and executive producer. Due to his inability to work Mr. **BRODRICK** incurred the expense of \$1,800 (One thousand and eight hundred dollars) to subcontract out his projects.
32. In addition, Mr. **BRODRICK** had to pay a car deductible of five hundred dollars (\$500) plus doctor co-pays and for prescriptions.
33. Defendants' carelessness, negligence, and/or recklessness is the proximate cause of the plaintiff's economic damages.

**WHEREFORE**, the Plaintiff, **DAVID BRODRICK**, claims damages in the amount which exceeds the jurisdictional amounts of the lower courts in this cause of action, with the costs, interest and disbursements of this action and any and all other sums this honorable Court deems fit as reasonable and just compensation.

Dated: Hollis, New York  
March 2, 2015

*Yours etc.,  
René Myatt*

THE LAW OFFICE OF RENÉ MYATT  
Attorney for Plaintiff  
**DAVID BRODRICK**  
204-04 Hillside Avenue, 2<sup>nd</sup> Floor  
Hollis, New York 11423  
(718) 468-3588

## VERIFICATION

STATE OF NEW YORK )  
COUNTY OF QUEENS ) SS:

René Myatt, an attorney at law admitted to practice before the Courts of the State of New York, hereby affirms the following to be true under penalties of perjury:

I am the attorney of record for the Plaintiffs, **DAVID BRODRICK**, in this action.

I have read the annexed VERIFIED COMPLAINT and know the contents thereof, and the same are true based upon information and belief. My belief, as to those matters herein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my client files.

I make this foregoing verification instead of the plaintiffs because the plaintiffs reside at the address indicated below:

1255 5<sup>TH</sup> avenue, apt # 3G  
New York, N.Y. 10029

Outside of the County where your affiant's office is located.

Dated: Hollis, New York  
March 2, 2015



RENÉ MYATT

SUPREME COURT OF THE STATE OF NEW YORK  
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**SUMMONS AND VERIFIED COMPLAINT**

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THE LAW OFFICE OF RENÉ MYATT, ESQ.

Attorney for Plaintiff

**DAVID BRODRICK**

204-04 Hillside Avenue, 2<sup>nd</sup> Floor

Hollis, New York 11423

(718) 468-3588

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Pursuant to 22 NYCRR 130-1.1-a, the undersigned, an attorney admitted to practice in the courts of New York State, certified that upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 1200.41-a.

Dated: Hollis, New York *March 2, 2015*

Signature *René Myatt*

Print Signer's Name: René Myatt

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